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CITY OF ROANOKE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBER, NOEL C. TAYLOR MUNICIPAL BUILDING
October 12, 2016 – 1:00 p.m.
AGENDA

I. Call to Order and Welcome.

Welcome to the October 12, 2016, meeting of the City of Roanoke Board of Zoning Appeals. *Please turn off all cell phones and any other electronic, noise-making devices during the public hearing.* Each item will be heard separately and in the order in which it appears on the agenda.

If you wish to speak to any matter, the chair will recognize you in turn. Please approach the podium and state your name and residential address so that the secretary of the Board of Zoning Appeals may record the proceedings accurately.

II. Approval of Agenda: October 12, 2016

III. Unfinished Business: None

IV. New Business:

- A. Application by Wendi Wagner for property located at 2202 Broadway Avenue, S.W., bearing Official Tax No. 1050701, zoned RM-1, Residential Mixed Density District, for a special exception pursuant to Section 36.2-311, Zoning, Code of the City of Roanoke (1979), as amended, to establish a homestay.

VI. Other Discussion:



PLANNING, BUILDING AND DEVELOPMENT

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October 12, 2016

Mr. Wayne Cundiff, Chairman and
Members of the Roanoke City Board of Zoning Appeals
Roanoke, Virginia

Dear Chairman and Members of the Board:

RE: Application from Wendi Wagner for property located at 2202 Broadway Avenue, SW, bearing Official Tax Map No. 1050701, zoned RM-1, Residential Mixed Density District, for a special exception pursuant to Section 36.2-311, Zoning, Code of the City of Roanoke (1979), as amended, to permit a homestay establishment.

Recommendation

Staff finds the request for a special exception to establish a homestay at the subject property is appropriate and consistent with the City's Comprehensive Plan and the South Roanoke Neighborhood Plan and meets the other standards for the granting of a special exception. Staff recommends approval of the special exception, subject to the following conditions:

1. The homestay operation shall be limited to one guest bedroom with a maximum occupancy of two guests in Apartment A as set forth in Application dated August 29, 2016.
2. A Certificate of Occupancy for the area devoted to the homestay use shall be obtained from the Planning, Building & Development Department prior to operation of the homestay.
3. The homestay operation shall maintain compliance with all of the supplemental regulations set forth in Section 36.2-405(c) of the zoning ordinance.
4. The special exception shall expire 24 months from the date of the issuance of the Certificate of Occupancy for the homestay use.

Prepared and respectfully submitted by,

Jillian Papa Moore, AICP, CZA
Zoning Administrator

Application Information

Request:	Special Exception: Homestay
Owner:	Wendi Wagner
Applicant:	Wendi Wagner
Site Address/Location:	2202 Broadway Avenue, SW, Apt. A
Official Tax No.:	1050701
Lot Area:	6,250 square feet
Zoning:	RM-1, Residential Mixed Density District
Existing Land Use:	Dwelling, multifamily (three units)
Proposed Land Use:	Dwelling, multifamily; homestay
Neighborhood Plan:	South Roanoke
Specified Future Land Use:	Residential Mixed Density

Background

The property owner currently resides in the first floor dwelling unit (hereafter Apartment A) of an existing two-story (excluding attic and basement), approximately 2,505 square foot (sf) multifamily dwelling consisting of three dwelling units total. Two dwelling units are located on the second story of the structure. The property owner proposes to use a portion of Apartment A, on the first floor where she resides, as a homestay establishment. Apartment A has three bedrooms. The applicant proposes to use no more than two bedrooms to host no more than two guests at one time within Apartment A. Units B and C will continue as as long-term leases and are not part of the request for a homestay. Unit B is currently occupied by two adults. Unit C is currently vacant. The property owner has one car, the Unit B tenants have two cars. Off-street parking consists of driveway accessed off of Wycliffe Avenue. The existing driveway can accommodate up to three cars. The applicant has stated that the driveway will be devoted to homestay guests.

A *homestay* is defined as “an establishment that offers for compensation a portion of any dwelling unit for overnight stays to guests, and not meeting the definition of a bed and breakfast.”

Considerations

In evaluating the applicant’s request for a special exception, the Board shall determine the appropriateness of the application based on the standards set forth in Section 36.2-560(c).

Surrounding Zoning and Land Use:

The land use within the vicinity of the subject property is summarized below.

<i>Direction from Property</i>	<i>Zoning District</i>	<i>Land Use¹</i>
<i>North of subject property</i>	RM-1, Residential Mixed Density	Single family dwellings
<i>East of subject property</i>	RM-1, Residential Mixed Density	Single and two family dwellings
<i>South of subject property</i>	RM-1, Residential Mixed Density	Single and two family dwellings
<i>West of subject property</i>	RM-1, Residential Mixed Density	Single and two family dwellings

Compatibility with the character and appearance of the surrounding neighborhood:

South Roanoke has an ideal land use pattern; the denser and more intensive uses are focused around the village center and arterial streets, while the less dense uses are further from this activity in more isolated surroundings. The subject property is zoned RM-1, Residential Mixed Density, and it located approximately one block from a village center. The corner lot consists of approximately 8,151 square feet. The property generally maintains a traditional form, massing, size and siting and is consistent with other dwellings on the block. No modifications are proposed to the exterior or the site or the building.

The property directly abuts a single-family dwelling to the south a two-family dwelling to the west, a two-family dwelling and single-family dwelling across Wycliffe Avenue, and single-family dwellings across Broadway Avenue. Other surrounding land uses include a larger multifamily dwelling, Sotheby Square.

The addition of a homestay use to the subject property, specifically, the keeping of up to two guests on a short-term basis, is compatible with the character of the property and surrounding area. One of the mechanisms used to help safeguard neighborhood character from any undesirable effects of homestay uses that the City has enacted are supplemental regulations set forth in Section 36.2-405(c) of the zoning ordinance that are specific to the operation of a homestay. The application is consistent with these supplemental regulations and staff has further recommended conditions of approval to ensure that the operation of the homestay use is compatible with the character of the surrounding neighborhood.

¹ The existing land uses listed are derived from City GIS records and provided for information only. They have not been verified as meeting zoning requirements.

Public Water and Sewer:

The use of a portion of the subject property as a homestay will not significantly or adversely affect demand on public water or sanitary sewer services.

Traffic:

The establishment of a homestay with no more than two guests at this location will not significantly impact traffic beyond what would otherwise be generated by a family occupying the three bedroom dwelling unit. The applicant has an existing driveway with three off-street parking spaces. Additionally, the subject property has approximately 110 feet of frontage on Wycliffe Avenue and 75 feet along Broadway Avenue, both of which are available for on-street parking. A homestay use with a maximum of two guests should not add more than one car, which will not create a demand beyond what can be supported.

Flood:

The use of the subject property as a homestay would not increase runoff from the site or increase flood potential in the neighborhood.

Conformity with setback, yard, frontage, lot area, parking, signage, screening, shading, and other applicable requirements of the zoning ordinance

The purpose of the residential mixed density zoning districts is to allow for a mix of single-family detached, single-family attached, two-family, townhouse, and multifamily dwellings in order to provide a range of housing choices.

- **Setbacks, Size, Height:** Does not apply. No changes are proposed as a result of this request.
- **Lot frontage:** The approximate 110 foot frontage of the lot meets the minimum required lot frontage (50 feet).
- **Lot area:** The lot contains 6,250 square feet which exceeds the minimum lot size of 5,000 square feet (there is no maximum lot size in the RM-1 District).
- **Lot area per dwelling unit:** The minimum lot area per dwelling unit is 3,500 square feet. (Section 36.2-312).

- **Parking:** There is no parking requirement for a homestay establishment. The minimum required number of spaces for a single-family dwelling is 1.5 spaces, prior to taking available reductions for proximity to public transit and availability of on-street parking (Sec. 36.2-652(c) and (d)). In this particular case, there is both off-street and on-street parking that is available to park 5 cars.
- **Landscaping/Trees:** The minimum tree canopy requirement for an RM-1 lot is 15%. No development is proposed that would otherwise trigger compliance with this requirement.

If approved, the homestay would be further subject to supplemental regulations found in Section 36.2-405 of the zoning ordinance as listed below.

Sec. 36.2-405(c) Standards for homestay establishments.

- (1) No changes shall be made to the exterior of the building occupied by the homestay.*
- (2) The homestay shall have no more than two (2) bedrooms for guests and shall accommodate no more than four guests.*
- (3) Rooms shall be rented only on a daily or a weekly basis. Stays shall not exceed 14 days.*
- (4) The owner or leaseholder shall also occupy the dwelling unit during guest stays.*

No changes to the exterior of the building are proposed. According to the applicant's description of intended use, the applicant proposes to use no more than two bedrooms at a time to host no more than two guests at one time within the dwelling unit. A Certificate of Occupancy for this area must be obtained prior to operation. Staff has recommended conditions of approval to ensure that homestay use requirements of an operational nature can be adequately monitored and enforced by the City.

The homestay use provides an opportunity for a homeowner, or leaseholder to host traveling guests on a short-term basis in their home and charge a fee for it. Establishment of a homestay use requires that the homeowner or leaseholder (with the property owner's permission) also stay in the dwelling unit while hosting guests. As the introduction of transient activity into the fabric of established neighborhoods often poses concern to adjoining property owners and residents, the intent of this requirement is to reduce the risk that the homestay use will become a nuisance to adjoining property owners, as the activity and behavior of those transient guests should be inherently monitored by the long-term resident(s) also residing in, or sharing the same dwelling unit with their guests. Through application and issuance of a special exception, the City can establish a clear point of contact for the responsible party, should enforcement become an issue, and move to revoke the special exception, if necessary, in accordance with Section 36.2-560(e).

The property owner has applied for the special exception to operate the homestay. The applicant currently resides at the subject property and stated that they will be present within the dwelling unit while guests are occupying the premises.

Further the intent of the Comprehensive Plan:

Vision 2001-2020 sets forth the following policies, strategies, and recommended actions:

- *Neighborhoods as villages.* Neighborhoods will function as villages, offering opportunities to live, work, shop, play, and interact in a neighborhood setting. Neighborhood-oriented commercial activity will be encouraged in well-defined village centers (P. 40, policies).
- *Tourism.* Roanoke will promote tourism for the City and the region (p. 59, Policies).

The *South Roanoke*, adopted as a component of *Vision 2001-2020*, delineates the subject property as a *residential mixed density* future land use. Pertinent highlights from the Residential Development portion of the plan include the following:

- Established residential neighborhoods should retain their current character. Zoning should reinforce the maintenance of this character.
- A variety of housing options should be available in South Roanoke.
- Maintain current zoning pattern of higher density residential development around the village center and in the north of the neighborhood and lower density residential development extending to the south.

Vision provides a general direction for neighborhoods as villages, encouraging opportunities to expand tourism within the City of Roanoke and more broadly in the Roanoke Valley. The neighborhood plan provides further direction related to the importance of preserving the traditional character of the neighborhood, while encouraging home ownership.

As presented, the use of a portion of the owner-occupied dwelling unit as a homestay establishment is generally consistent with the general policy of *Vision*. The proposed use is further consistent with the neighborhood plan as no changes will be made to the structure and the ability to supplement income will help off-set living and maintenance costs of larger structures and promote home-ownership and reinvestment in the neighborhood. The predominant use of the property, based on the intensity of operation listed in the application, will appear as a family occupying the dwelling unit, and there are adequate safeguards in place to further protect neighborhood character, should the use become a nuisance to adjoining residents.

ZA16 0034

Special Exception Application



ROANOKE

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CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

Planning Building and Development
Room 166, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
Phone: (540) 853-1730 Fax: (540) 853-1230

Application Checklist: ☒ Application Form
☐ Written Narrative
☐ Development Plan
☐ Elevation
☐ Filing Fee

Date: 8/29/16

Property Information:

Street Address: 2202 Broadway Avenue, SW Roanoke 24014

Official Tax No(s): 1050701

Size of Property (acres or square feet): 6,250

Base Zoning District: RM-1 Overlay Zoning District:

Request for a special exception as set forth in Section 36.2- 311, Zoning, Code of the City of Roanoke (1979), as amended.

Briefly describe the special
exception request:

to establish a homestay on the property

Applicant Information:

Name: Wendi Wagner Phone Number: 540-537-0009

Address: 2202A Broadway Ave, SW E-Mail: wwagner888@gmail.com

Applicant's Signature: Wendi Wagner

Owner Information:

Name: Wendi Wagner Phone Number: 540-537-0009

Address: 2202A Broadway Ave, SW E-Mail: wwagner888@gmail.com

Owner's Signature: Wendi Wagner

Application accepted as submitted in accordance with the provisions of Chapter 36.2, Zoning, Code of the City of Roanoke (1979), as amended.

Emcarr
Secretary to the Board's Signature

09/06/16
Intake Date

October 12, 2016
Public Hearing Date

The intention of this request is to establish the property at 2202 Broadway Avenue, owner occupied Apartment A, as a homestay provider listing in Airbnb. As the owner of this triplex since April of 2000, I have lived in apartment A and rented/managed apartments B and C. My apartment occupies the entire first floor of the home. The two rental apartments are on the second level of my home. Apartment A entrance is on Wycliffe; Apartments B and C entrances are on Broadway. The property has one driveway on Wycliffe with off street parking on Broadway, Wycliffe, and 22nd Street. My Airbnb listing would offer shared space for 1-2 persons.

I have been using Airbnb in the United States and internationally since 2011. My first experience was finding a host family for my 19 year old daughter travelling to Los Angeles. She was able to stay in a nice home with local people who helped her navigate a new city. Because hosts and guests are linked to social media through Airbnb, it is easy to verify identity through Facebook and Linked In profiles. As a host, and as a guest, I look for multiple reviews and references before booking a stay.

Preparing to host requires a great deal of preparation and Airbnb guides hosts through the process. Becoming a host is a lot of work and responsibility. Because my property is in such an ideal location, I decided to pursue the possibility. I live just a short walk from Sweet Donkey Coffeehouse, Carillion Research Facilities, River's Edge, and the Roanoke Greenway. My space is available to provide shared space for 1-2 guests and is perfect for Medical professionals, Roanoke Go Outside Festival, Deschutes planning/events, and those in Roanoke to access the beauty of the Blue Ridge Parkway and Appalachian Trail.











ATTACHMENT A ZONING MAP EXCERPT 2202 BROADWAY AVE. SW

Legend

	Subject Property
Zoning	
	AD: Airport Dev
	AD(c): Airport Dev Conditional
	CG: Commercial-General
	CG(c): Commercial-General Conditional
	CLS: Commercial-Large Site
	CLS(c): Commercial-Large Site Conditional
	CN: Commercial-Neighborhood
	CN(c): Commercial-Neighborhood Conditional
	D: Downtown
	D(c): Downtown Conditional
	I-1: Light Industrial
	I-1(c): Light Industrial Conditional
	I-2: Heavy Industrial
	I-2(c): Heavy Industrial Conditional
	IN: Institutional
	IN(c): Institutional Conditional
	INPUD: Institutional Planned Unit Dev
	INPUD(c): Institutional Planned Unit Dev Conditional
	IPUD: Industrial Planned Unit Dev
	IPUD(c): Industrial Planned Unit Dev Conditional
	MX: Mixed Use
	MX(c): Mixed Use Conditional
	MXPUD: Mixed Use Planned Unit Dev
	MXPUD(c): Mixed Use Planned Unit Dev Conditional
	R-12: Res Single-Family
	R-12(c): Res Single-Family Conditional
	R-3: Res Single-Family
	R-3(c): Res Single-Family Conditional
	R-5: Res Single-Family
	R-5(c): Res Single-Family Conditional
	R-7: Res Single-Family
	R-7(c): Res Single-Family Conditional
	RA: Res-Agricultural
	RA(c): Res-Agricultural Conditional
	RM-1: Res Mixed Density
	RM-1(c): Res Mixed Density Conditional
	RM-2: Res Mixed Density
	RM-2(c): Res Mixed Density Conditional
	RMF: Res Multifamily
	RMF(c): Res Multifamily Conditional
	ROS: Recreation and Open Space
	ROS(c): Recreation and Open Space Conditional
	UF: Urban Flex
	UF(c): Urban Flex Conditional
	Floodplain Overlay, F

0 12.5 25 50 Feet
1 inch = 50 feet

